

MARKED-UP VERSION OF AMENDED CLAIMS

30. (twice amended) [The] A vertical suitcase [according to claim 26]
of essentially parallelopipedal shape
comprising
an upper surface part having sequentially a first edge, a second edge, a third
edge and a fourth edge and being a formed sheet with a curved form
defining an rounded first upper arris at the first edge of the upper surface
part and defining a rounded third upper arris at the third edge of the upper
surface part;
a front face consisting of supple material and having an opening and having
sequentially a first edge, a second edge, a third edge and a fourth edge,
wherein the first edge of the front face is joined by the third edge of the
upper surface;
a lower surface part having sequentially a first edge, a second edge, a third
edge and a fourth edge wherein the third edge of the front face is joined by
the first edge of the lower surface part and being a formed sheet with a
curved form defining a rounded first lower arris at the first edge of the lower
surface part and defining a rounded third lower arris at the third edge of the
lower surface part;
a rear face consisting of supple material and having sequentially a first edge,
a second edge, a third edge and a fourth edge, wherein the third edge of the
lower surface part is joined by the first edge of the rear face and wherein the
first edge of the upper surface part is joined by the third edge of the rear
face;
a pair of tubes extending between the upper surface part near the first edge
of the upper surface part and the lower surface part near the first edge of the

lower surface part thereby achieving a rigidification of the suitcase by the pair of tubes and wherein the pair of tubes supports the supple material of the rear face, wherein said tubes are disposed adjacent to the rear face;
a retractable handle located on the outside of the upper surface part and including a pair of rods adapted to slide in the pair of tubes, wherein said pair of tubes consists of guides for the rods of the retractable handle;
a flap or panel covering the opening;
closing means for opening the flap or panel;
a first lateral face being made of a supple material and having sequentially a first edge, a second edge, a third edge and a fourth edge, wherein the first edge of the first lateral side adjoins the second edge of the upper surface part, wherein the second edge of the first lateral side adjoins the second edge of the front face, wherein the third edge of the first lateral side adjoins the second edge of the lower surface part, wherein the fourth edge of the first lateral side adjoins the second edge of the rear face;
a second lateral face being made of a supple material and having sequentially a first edge, a second edge, a third edge and a fourth edge, wherein the first edge of the first lateral side adjoins the fourth edge of the upper surface part, wherein the second edge of the first lateral side adjoins the fourth edge of the front face, wherein the third edge of the first lateral side adjoins the fourth edge of the lower surface part, wherein the fourth edge of the first lateral side adjoins the fourth edge of the rear face;
a first elastic retaining ring hooping the first lateral side to the second edge of the upper surface part, to the second edge of the front face, to the second edge of the lower surface part, and to the second edge of the rear face;

a second elastic retaining ring hooping the second lateral side to the fourth edge of the upper surface part, to the fourth edge of the front face, to the fourth edge of the lower surface part, and to the fourth edge of the rear face, wherein the lower surface part is curved based on curved extremities of the pair of tubes, wherein the upper surface part is curved based on the first lateral retaining ring and based on the second lateral retaining ring, wherein the lateral retaining rings are made of metal, and wherein the lateral retaining rings are furnished in the form of two lateral frames defining the lateral faces in flexible material.

32. (amended) [The] A vertical suitcase [according to claim 26 further] of essentially parallelipedal shape

comprising

an upper surface part having sequentially a first edge, a second edge, a third edge and a fourth edge and being a formed sheet with a curved form defining an rounded first upper arris at the first edge of the upper surface part and defining a rounded third upper arris at the third edge of the upper surface part;

a front face consisting of supple material and having an opening and having sequentially a first edge, a second edge, a third edge and a fourth edge, wherein the first edge of the front face is joined by the third edge of the upper surface;

a lower surface part having sequentially a first edge, a second edge, a third edge and a fourth edge wherein the third edge of the front face is joined by the first edge of the lower surface part and being a formed sheet with a curved form defining a rounded first lower arris at the first edge of the lower

surface part and defining a rounded third lower arris at the third edge of the lower surface part;

a rear face consisting of supple material and having sequentially a first edge, a second edge, a third edge and a fourth edge, wherein the third edge of the lower surface part is joined by the first edge of the rear face and wherein the first edge of the upper surface part is joined by the third edge of the rear face;

a pair of tubes extending between the upper surface part near the first edge of the upper surface part and the lower surface part near the first edge of the lower surface part thereby achieving a rigidification of the suitcase by the pair of tubes and wherein the pair of tubes supports the supple material of the rear face, wherein said tubes are disposed adjacent to the rear face;

a retractable handle located on the outside of the upper surface part and including a pair of rods adapted to slide in the pair of tubes, wherein said pair of tubes consists of guides for the rods of the retractable handle;

a flap or panel covering the opening;

closing means for opening the flap or panel;

a first lateral face being made of a supple material and having sequentially a first edge, a second edge, a third edge and a fourth edge, wherein the first edge of the first lateral side adjoins the second edge of the upper surface part, wherein the second edge of the first lateral side adjoins the second edge of the front face, wherein the third edge of the first lateral side adjoins the second edge of the lower surface part, wherein the fourth edge of the first lateral side adjoins the second edge of the rear face;

a second lateral face being made of a supple material and having sequentially a first edge, a second edge, a third edge and a fourth edge, wherein the first edge of the first lateral side adjoins the fourth edge of the

upper surface part, wherein the second edge of the first lateral side adjoins the fourth edge of the front face, wherein the third edge of the first lateral side adjoins the fourth edge of the lower surface part, wherein the fourth edge of the first lateral side adjoins the fourth edge of the rear face;
a first elastic retaining ring hooping the first lateral side to the second edge of the upper surface part, to the second edge of the front face, to the second edge of the lower surface part, and to the second edge of the rear face;
a second elastic retaining ring hooping the second lateral side to the fourth edge of the upper surface part, to the fourth edge of the front face, to the fourth edge of the lower surface part, and to the fourth edge of the rear face;
a zip fastener furnished for the opening and furnished on the front face of the suitcase and extending up to at least the aforesaid front part over from about 15 to 40% of the surface of the front part and for enabling a partial opening of the front face.

37. (new) A suitcase of essentially parallelepipedal shape comprising
a front face (60),
a rear face (50) disposed opposite to the front face (60),
a first lateral face (80),
a second lateral face (70) disposed opposite to the first lateral face (70),
an upper surface part (30),
and a lower surface part (40) disposed opposite to the upper surface part (30),

wherein each of the said faces and parts comprises 4 edges, wherein the front face (60), the rear face (50), the first lateral face (70) and the second lateral face (80) being each made of a supple material and being each hooped by a retaining elastic rings in the edges of the said faces, wherein the upper surface part (30) and the lower surface part (40) are being in the form of a molded piece or sheet of plastic of flat form, a first vertical tube (3) joining the lower surface part (40) and the upper surface part (30), wherein the first tube (3) is disposed adjacent to the rear face (60), a second vertical tube disposed parallel to the first vertical tube (3) and is joining the lower surface part (40) and an upper surface part (30), wherein said second vertical tube (3) is disposed adjacent to the rear face (60), a first rod (14) being moving in vertical direction inside the first tube (3) as a guide, a second rod (14) being moving in vertical direction inside the second tube (3) as a guide, retractable handle (4), wherein the first rod (14) and the second rod (14) are being joint with the retractable handle (4).

38. (new) The suitcase according to claim 37

wherein at least one opening is located in the upper surface part (30), and a flap or panel, wherein the opening is covered by the flap or panel, and closing means for opening the flap or panel.

39. (new) The suitcase according to claim 37

further comprising

a lower shell (2') extending over a lower part of the rear face (50) along a first rear edge (53) and over the lower surface part (40) along the first rear edge (53) and the lower shell (2') having an upper edge;

an elongated reinforcement part (11') of the lower shell (2') disposed along the upper edge of the lower shell (2') and attached to the lower shell from an inner side of the suitcase;

an upper shell (2) extending over an upper part of the rear face (50) along a third rear edge (51) and over a part of the upper surface part (30) along the third rear edge (51) and the upper shell (2) having a lower edge and having an upper edge;

an elongated reinforcement part (11) of the upper shell (2) disposed along the lower edge of the upper shell (2) and attached to the upper shell (2) from the inner side of the suitcase.

a rigid reinforcing traverse(18) of the upper shell (2) disposed along the upper edge of the upper shell (2) and attached to the upper shell (2) from the inner side of the suitcase;

40. (new) The suitcase according to claim 37

wherein the first tube (3) having a flat lower end forming a first bracket extension (9) and having an upper end attached to the upper shell,

wherein the first bracket extension (9) is attached to the lower shell (2') from an inner side of the suitcase and serves as a stop for the first rod (14);

wherein the second tube (3) having a flat lower end forming a second bracket extension (9) and having an upper end attached to the upper shell,

wherein the second bracket extension (9) is attached to the lower shell (2') from the inner side of the suitcase and serves as a stop for the second rod (14);

an outer attachment part (8) having a first outer hole for passing of the first rod (14) and having a first collar for seating an upper end of the first tube (3) and attached to the upper shell (2) from outside of the suitcase and

having a second outer hole for passing of the second rod (14) and having a second collar for seating an upper end of the second tube (3) and attached to the upper shell (2) from outside of the suitcase and an inner attachment part (17) having a first inner hole for passing of the first tube (3) and having a second inner hole for passing of the second tube (3) and attached to the upper shell (2) from inside of the suitcase; wherein the upper shell (2) is disposed between the outer attachment part (8) and the inner attachment part (17); a screw attaching the outer attachment part (8) to the inner attachment part (17).

41. (new) The suitcase according to claim 37 wherein the upper shell (2) and the lower shell (2') are separate and non-adjoining elements; wherein the lower shell (2') extending over the lower part of the rear face (50) along the first rear edge (53) and over the lower surface part (40) along the first rear edge (53) and having the upper edge of the lower shell (2') forms a lower rounded arris (12');

wherein the lower rounded arris (12') furnishes an opening (5') for attachment of an external lateral wheel spindle support arch (5) emerging from the arris (12') of the lower shell (2').

42. (new) The suitcase according to claim 37 further comprising a first metallic retaining ring defining the first lateral face (80) and attached to a lateral side of the lower shell (2') in the area of the second lower edge and a part of the area of the second rear edge and attached to a lateral side of the upper shell (2) in the area of the second upper edge and a part of the area of the second rear edge;

a second metallic retaining ring defining a second lateral face (70) and attached to a lateral side of the lower shell (2') in the area of the first lower edge and a part of the area of the fourth rear edge and attached to a lateral side of the upper shell (2) in the area of the fourth upper edge and a part of the area of the fourth rear edge;

wherein the upper shell (2) extending over the upper part of the rear face (50) along the third rear edge (51) and over the part of the upper surface part (30) along the third rear edge (51) and the upper shell (2) having a lower edge and having an upper edge and the upper shell (2) forming an upper rounded arris (12) along the third rear edge (51);

wherein the first tube has a flat lower end forming a first bracket extension (9);

wherein the first bracket extension (9) includes a first lower arm and a first upper arm with an upper end, wherein the first lower arm is flat and wherein the first upper arm is flat and wherein the upper end of the first bracket extension (9) is of a rectangular cross section for seating the first tube (3); wherein the second bracket extension (9) includes a second lower arm and a second upper arm with an upper end, wherein the second lower arm is flat and wherein the second upper arm is flat and wherein the upper end of the second bracket extension (9) is of a rectangular cross section for seating the second tube (3).

43. (new) The suitcase according to claim 42,

wherein the first metallic retaining ring is an elastic, closed and uninterrupted ring;

wherein the first metallic retaining ring is attached to the lower shell at the second lower edge and at the second rear edge and attached to the second upper shell at the upper edge and at the second rear edge and circling a covering of supple material;

wherein the second metallic retaining ring is an elastic, closed and uninterrupted ring;

wherein the second metallic retaining ring is attached to the lower shell at the fourth lower edge and at the first rear edge and attached to the fourth upper shell at the upper edge and at the first rear edge and circling a covering of supple material.

44. (new) The suitcase according to claim 34 further comprising an opening zipper (20) disposed in the front face of the suitcase and extending at least up to the upper surface part (30) for a partial opening of the upper face,

a flap (15') disposed in the upper surface part and having a surrounding zipper for covering a handle attached to ends of the rods wherein the upper reinforcing part (18) is made of slotted metal and extends over the entire width of the suitcase.

REMARKS

Claims 15 through 23 and 26 through 36 continue to be in the case.

New claims 37 through 44 are being introduced.

The new claims are based on the specification and on the drawings. These new claims contain some reference numerals for connecting to the features drawings.

The new claims have the following additional basis:

New Claim	Basis
37	claim 26
38	claim 26
39	claim 26
40	claim 26
41	claim 28
42	claim 30
43	claim 30
44	claim 32.

Claims 30 and 32 are being amended to be placed in independent and fully allowable form.

1. The drawings stand objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the nesting of five suitcases must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Applicant is submitting three Figures (Fig. 7, Fig. 8 and Fig.9) with this Supplemental Amendment. Figure 7 represents a first attempt to more methodically define the geometry of the invention suitcase shown in Figs. 1 through 6. Fig. 7 correlates to the geometric references made in claims 26 through 34. Please note that in Fig.7 the viewer faces the front face of the suitcase. Fig. 7 is perhaps too abstract in not showing the position of the handle of the suitcase. If such Fig. 7 should be found acceptable, then a revised drawing similar to proposed Figs. 8 and 9 could be provided.

Fig. 8 represents a schematic rendering of the suitcase, wherein the geometric parts are designated with reference numerals corresponding to the geometric features designated in Fig. 7. These reference numerals are added in part to the elements of claims 37 through 44. Please note that in Fig. 8 the viewer faces the rear side of the suitcase.

Fig.9 is a schematic view of the suitcase with a more limited number of definitions of geometric features of the suitcase and presently carrying both a reference numeral and a descriptive reference definition. This Figure if found to be acceptable could be modified either similar to Fig. 7 with only descriptive definition or similar to Fig. 8 with only reference numerals.

The Office Action asserts that the structural relationship between the upper and lower surface parts and the front and back faces is confusing, e.g. it is unclear what is the four edges of the rear face; the drawings do not show a bottom edge of the rear face.

Applicant is required to show the corresponding edges of these elements in the drawings.

The newly submitted Figs. 7 through 9 are intended to provide references to the geometric positions of applicant's suitcase.

6. Claims 15, 16, and 18-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Van Himbeeck. Van Himbeeck teaches a suitcase having two tubes at portions 128 and 160, an opening, and a molded portion having two curved plates 32 and 34.

Applicant requires in claim 15 that there are "two tubes joining a lower surface part and an upper surface part".

The Office Action says on page 4, line 9 under point 6 that "Van Himbeeck teaches a suitcase having two tubes at portions 128 and 160".

In clear contrast to the statement in the Office Action, the Van Himbeeck reference uses a rigid frame of a complicated profile with two channels 128 rectangular in cross section (but Van Himbeeck uses no tubes!). Van Himbeeck states in particular "Two rectangular (in cross section) channels 128 extend the length of the frame 124..." (Van Himbeeck reference Description, p.19, lines 4-7). Van Himbeeck states further "A collar 160 contacts a stop 162 ...". It appears that elements 162 of Van Himbeeck clearly do not represent any channel.

Therefore, the channels 128 and the element 160 of Van Himbeeck do not anticipate or render obvious the two tubes of applicant's claim 15.

The channels of Van Himbeeck support both the upper (top) surface part and the lower (bottom) surface part, as clearly seen from Fig.15 of the Van Himbeeck reference: "...the support structure 56 comprises an internal frame member 124... The frame 124 includes a middle portion 125 which extends longitudinally along the back face 38 and curves upwardly into end portions 127 and 129 which are adjacent to the top and bottom faces 32 and 34.

The Office Action states that "Van Himbeeck does not have a "rigid frame".

However, Van Himbeeck says in the patent document on page 16, lines 19 and 20: "The top face 32, back face 38, and bottom face 34 are attached to a U-shaped rigid support structure 56 (Fig. 15)". Applicant does not understand how Van Himbeeck is not supposed to have a "rigid frame" where Van Himbeeck specifies himself a "rigid support structure"?

The Office Action asserts further that Van Himbeeck teaches retaining rings 166 as shown in Fig. 11.

Van Himbeeck states on page 20, lines 32 to 34 that: "The stiffener panels 164, the rods 166 and the elongated stiffeners 168 extend ...". Applicant does not understand how the Office Action finds "retaining rings 166" whereas Van Himbeeck clearly specifies "rods 166".

7. Claims 15, 16, 18, 20, 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of either Kish, Jr. or Kotkins. Lin teaches a suitcase having two tubes at portions 72 and 74, an opening, and a molded portion having two curved plates 20 and 22. Lin meets all claimed limitations except for the retaining elastic rings.

This appears to be incorrect.

Lin does not teach lateral faces consisting of supple material. The panels 12, 14 of Lin are rigid panels. Only the front face of the suitcase of Lin is supple.

Applicant respectfully urges that "supple" in the context of the present application means more than simply "flexible". A supple face in accordance with the present application is a face not covered but consisting of textile or equivalent material. Such supple material is not self-sustaining, hence the need of an "elastic retaining ring" required in claim 15. Applicant emphasizes that without the use of supple material, there would be no purpose for anybody of providing the elastic retainer ring claimed in claim 15.

Furthermore, there is no "panels to be kept together" according to the present invention, so that the person of ordinary skill in the art would not be

led to refer to either Kish or Kotkins for obtaining the proposed hindsight combination.

Lin, Kish and Kotkins agree not to furnish an elastic retainer ring as claimed in claim 15 of the present application. Applicant respectfully submits that where all three applied references agree not to furnish the elastic retainer ring of the present invention, but instead other arrangements, then the presence of such retainer ring in applicant's claims clearly renders these claims patentable.

The Office Action also equates "elastic retaining rings, with the binding arrangement 92, 93 of Kish and 35 of Kotkins. Applicant urges that binding arrangements are clearly distinguished from an elastic retainer ring. Applicant submits that the binding arrangements of Kish and Kotkins do not magically transform into an elastic retaining ring when combined with the Lin reference.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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